

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00218-KES

Date: February 9, 2023

Title: Epson America, Inc. v. Super Times Co., Ltd., et al.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANTS:
None Present

PROCEEDINGS (IN CHAMBERS):

**Order TO SHOW CAUSE WHY
APPLICATION OF NON-RESIDENT
ATTORNEYS TO APPEAR PRO HAC
VICE SHOULD NOT BE DENIED
UNDER LOCAL RULE 83-2.1.3.2(c).**

This Court orders Plaintiff Epson America, Inc. (“Epson”) to show cause why Morgan T. Nickerson’s Application to Appear Pro Hac is not “regularly engaged in business, profession, or other similar activities in California.” Local Rule 83-2.1.3.2(c).

On February 6, 2023, Mr. Nickerson applied for permission to appear pro hac vice.
(Dkt. 6.)

Local Rule 83-2.1.3.2(c) states:

Unless authorized by the Constitution of the United States or Acts of Congress, an applicant is not eligible for permission to practice pro hac vice if the applicant ... is regularly engaged in business, profession, or other similar activities in California.

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In 2018, Judge Anderson, of this district, concluded that L.R. 83-2.1.3.2(c) prohibited an attorney—who had appeared pro hac vice five times in this district within the previous three years—from appearing pro hac vice. Kerstein v. Antelope Valley Hospital, 2:18-cv-08960-PA-JPR, Dkt. 24 at 1, 2018 WL 1011136 at *1 (C.D. Cal. Dec. 13, 2018). Judge Anderson did so because he concluded that those prior appearances constituted being “regularly engaged in business, profession, or other similar activities in California.” Id.

This court’s research indicates that, within the last three years, Mr. Nickerson has appeared in seven cases in California federal court. That list does not include Epson America, Inc. v. Global Aiptek Inc., et al., No. 8:23-cv-00222-KES (C.D. Cal. 2023).

So, Epson is ORDERED, on or before February 23, 2023, to show cause in writing why—unlike the attorney in Kerstein—Morgan T. Nickerson is not “regularly engaged in business, profession, or other similar activities in California.”

Initials of Deputy Clerk JD